

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 49-106 were pending prior to the final Office Action. Claims 70, 79, and 98 have been cancelled and claim 107 has been added through this Reply. Accordingly, claims 49-69, 71-78, 80-97, and 99-107 are currently pending of which claims 53-55, 64, 77, 78, 81-83, 92, 105, and 106 stand withdrawn as being directed to a non-elected invention that has been constructively elected by original presentation. Also, claims 50, 52, 66-68, 71-73, 76, 80-84, 94-96, 99, 100, and 104 have been amended through this Reply. Claims 49 and 84 are independent. Applicant respectfully requests allowance of the pending claims in light of the remarks presented herein.

INTERVIEW SUMMARY

Applicant thanks the Examiner and his supervisor for granting a Personal Interview with Applicant's representative on April 14, 2010. During the interview Applicant's representative explained that the "projection and hole engagement" structure of Irwin or the "pilot stud and recess engagement" structure of Smith is provided so that the substrate does not move. Thus, Applicant's representative argued that Irwin's or Smith's structure is not equivalent to the claimed structure as recited in claim 84 in that when some impact breaks the above-noted engagement, and the substrate starts moving, the substrate will not move reversely by itself so as to return to a standard position. However, the Examiner and his supervisor alleged that an impact that is not strong enough to break the engagement of the "projection and hole" or the "pilot stud and recess" would easily shake the substrate which would return to a standard position after the shaking stops. Thus, the Examiner and his supervisor continue to allege that Irwin or Smith meets the above-noted limitation of claim 84.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 49, 56-63, 65, 69, 74, and 75 are allowed.

Applicants further appreciate that claim 52 would be allowable if rewritten to overcome the objections set forth in the final Office Action and that claims 50, 51, 66-68, 70-73, and 76 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, first or second paragraphs, set forth in the final Office Action.

CLAIM OBJECTION

Claims 52 and 80 stand objected for minor informalities. These claims have been amended through this Reply to address this issue. Accordingly, it is respectfully requested that this rejection be withdrawn.

35 U.S.C. § 112, FIRST PARAGRAPH REJECTION

Claims 50 and 51 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Although Applicant does not necessarily agree with this rejection, claim 50 has been amended to recite, *inter alia*, “wherein the loading bed is made of a material that can absorb impact **in order to prevent the substrate from being misaligned and falling or from directly hitting.**” Support for this amendment can be found at least on the paragraph bridging pages 17 and 18 of the instant Specification. Accordingly, it is respectfully requested to withdraw this rejection.

35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

Claims 66-68, 70-73, 76, 94-96, 98-100, and 104 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 66-68, 71-73, 76, 94-96, 99-100, and 104 have been amended to address this issue. Further, claims 70 and 98 have been cancelled through this Reply rendering the rejection as moot. Accordingly, it is respectfully requested to withdraw this rejection.

PRIOR ART REJECTION

Claims 79, 80, 84-90, and 93-104 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshizawa (U.S. Patent Publication No. 2004/0145697 A1)[hereinafter "Yoshizawa"] in view of Irwin (U.S. Patent No. 1,941,941)[hereinafter "Irwin"] and Smith (U.S. Patent No. 2,233,434)[hereinafter "Smith"]. Claims 91 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshizawa in view of Irwin and Smith, and in further view of Bradley (U.S. Patent No. 738,980)[hereinafter "Bradley"]. Applicant respectfully traverses these rejections.

Initially, note that claims 79 and 98 have been cancelled rendering the rejection of these claims as moot. However, claim 84 has been rewritten in independent form including the subject matter of claim 79 **except** for the phrase, "wherein the loading bed includes a frame section whose inner perimeter is larger than an outer perimeter of the substrate, an upper surface of the frame section being lower than the upper contact section." Claim 84 has further been amended to recite, *inter alia*, "**wherein the upper contact section contacts but does not fixedly engage the lower contact section of the upper tray and thereby enables free sliding of the upper tray on the upper contact section**". (*Emphasis added.*)

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has recently held that the "teaching, suggestion, motivation test" is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* Rejections on obviousness grounds cannot be sustained by mere

conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

In this instance, it is respectfully submitted that none of Yoshizawa, Irwin, and Smith, alone or in combination teaches or suggests all claim limitations.

For example, independent claim 84 recites, *inter alia*, as follows:

wherein the upper contact section contacts but does not fixedly engage the lower contact section of the upper tray and thereby enables free sliding of the upper tray on the upper contact section, and

wherein the upper contact section is formed in a shape enabling to move back the upper tray to a standard situation by making the lower surface of the upper tray move back on the upper contact section of the stackable substrate carrying tray by use of gravity and inclination of the upper contact section, when the upper tray has moved on the stackable substrate carrying tray so as to go out of the standard situation due to moving of the lower surface of the upper tray on the upper contact section of the stackable substrate carrying tray, the standard situation being a situation wherein a center of gravity of the upper tray is positioned right above a center of gravity of the stackable substrate carrying tray." (Emphasis added.)

It is respectfully submitted that none of Yoshizawa, Irwin, and Smith alone or in combination, teaches or suggests the above-identified features of claim 84.

As previously submitted, as shown in Fig. 10B of Yoshizawa, the frame section (41f) is *as tall as* the upper contact section. Therefore, even if the upper contact section has a slope, the lower surface of the upper tray contacts the upper surface of the frame section (41f) of the lower tray when the upper tray shifts transversally. Therefore, it is respectfully submitted that Yoshizawa cannot teach or suggest "wherein the upper contact section contacts but does not fixedly engage the lower contact section of the upper tray and thereby enables free sliding of the upper tray on the upper contact section" as recited in claim 84.

Neither Irwin nor Smith fulfills the above-noted deficiency of Yoshizawa. For example, the structure of Irwin includes members 26a and 27a of a projection and a hole which fixedly engage to each other to prevent movement of a substrate. Similarly, Smith's pilot stud 11 and pilot stud recess 9 are also members which fixedly engage to each other in order to prevent

substrate movement. Conversely, the claimed invention as amended requires that the upper contact section contacts but does not fixedly engage the lower contact section of the upper tray and thereby enables free sliding of the upper tray on the upper contact section perform the desired movement that the upper tray moves back by itself to the original position.

The Examiner acknowledges that Yoshizawa fails to teach or suggest, *inter alia*, “wherein the upper contact section is formed in a shape enabling to move back the upper tray to a standard situation by making the lower surface of the upper tray move back on the upper contact section of the stackable substrate carrying tray by use of gravity and inclination of the upper contact section, when the upper tray has moved on the stackable substrate carrying tray so as to go out of the standard situation due to moving of the lower surface of the upper tray on the upper contact section of the stackable substrate carrying tray, the standard situation being a situation wherein a center of gravity of the upper tray is positioned right above a center of gravity of the stackable substrate carrying tray.” (*Emphasis added.*)

Thus, the Examiner imports Irwin and Smith to fulfill the above-noted deficiency of Yoshizawa.

It is respectfully submitted that neither Irwin nor Smith fulfills the above-noted deficiency of Yoshizawa.

As mentioned above, the structure of Irwin includes members 26a and 27a of a projection and a hole which engage to each other in order to prevent for the substrate to begin moving. Different from claim 84 of the present invention, this structure is not such a structure that, when some impact breaks this engagement and the substrate begins moving, the substrate moves reversely by itself so as to return to the standard position.

Similarly, as mentioned above, Smith’s pilot stud 11 and pilot stud recess 9 are also members which engage to each other in order to prevent for the substrate to begin moving. Again, different from claim 84 of the present invention, this structure is not such a structure that,

when some impact breaks this engagement and the substrate begins moving, the substrate moves reversely by itself so as to return to the standard position.

Bradley has not been, and indeed cannot be, relied upon to fulfill the above-noted deficiency of Yoshizawa, Irwin, and Smith.

Therefore, for at least the above reasons, it is respectfully submitted that independent claim 84 is allowable over the applied prior art references. Dependent claims 80, 85-91, 93-97, and 99-104 are allowable at least by virtue of their dependency on claim 84 and further in view of novel features recited therein.

NEW CLAIM

New claim 107 is allowable at least by virtue of its dependency on independent claim 84.

CLAIM JOINDER

Although Applicant does not necessarily agree with Examiner's restriction requirement, claims 53-55, 64, 77, 78, 81-83, 92, 105, and 106 depend from corresponding independent claims 49 and 84. Thus, upon allowance of claims 49 and 84, joinder of claims 53-55, 64, 77, 78, 81-83, 92, 105, and 106 are respectfully requested.

CONCLUSION

All rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to


concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Should there be any outstanding matters that need to Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: June 3, 2010

Respectfully submitted,

By  #58,755
Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant